

REMARKS

In the Office Action mailed March 28, 2003, the Examiner rejected claims 1 to 5 and 22 to 37. The rejections are each respectfully traversed. This Response "B" cancels no claims, amends no claims, and adds no new claims. Accordingly, claims 2 to 5 and 22 to 37 remain pending in this application.

Claims 1, 5, 22 to 26, 30 to 33, and 37 were rejected under 35 U.S.C. 102(e) as anticipated by Willemssen et al. (US 6,151,986). The Examiner stated that "Willemssen et al. disclose, in Figure 10, an adjustable control pedal with a pivotable upper arm 18, with first and second guide slots 86, 68 and a drive slot 30,"

Willemssen et al. do not show a pivotable upper arm with first and second guide slots and a drive slot in FIG. 10. Note that pin 16 is rigidly fixed to upper arm 12'. See column 6, lines 55 to 58. Pin 16 must stay in a fixed position relative to the upper arm 12' in order to maintain a fixed relation between the pivot axis 66 of the pedal and the pin 16 to which the brake booster rod (not shown) is attached. Slot 86 is located in the lower pedal arm 18' carrying the pedal 20 (note that slot 86 is shown in dashed line in figure 10). See column 6, lines 58 to 60. Slot 68 is located in the upper pedal arm 12'. Thus the slots 86 and 68 are formed in different arms not the same arms. No prior art of record reasonably discloses or suggest the present invention as now defined by the claims. Reconsideration and withdrawal of the rejection is requested.

Claims 1 to 5, 26 to 29, and 33 to 36 were rejected under 35 U.S.C. 103(a) as unpatentable over Sitrin (US4,875,385) in view of Willemssen et al. (US 6,151,986). The Examiner stated that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pedal of Sitrin with a straight guide slot, as taught by Willemssen et al. as a means of altering the range of adjustablility of the pedal location.

It would not have been obvious to one of ordinary skill in the art at the time of the present invention to provide the pedal of Sitrin with a straight drive slot because such a change renders the pedal of Sitrin (figure 3) inoperable. The pedal disclosed by Sitrin requires a drive slot which

curves about the attachment 36d as the center of curvature. The distance between the attachment 36d and the pivot axis of the pedal must be maintained. Because pin 52 forms the pivot axis of the pedal and moves along slot 36e, the slot 36e must be curved about the attachment point 36 d. No prior art of record reasonably discloses or suggest the present invention as now defined by the claims. Reconsideration and withdrawal of the rejection is requested.

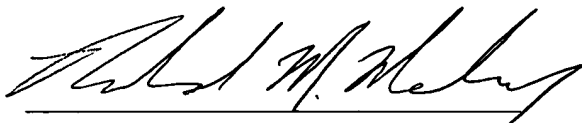
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

PORTER, WRIGHT, MORRIS & ARTHUR LLP

June 30, 2003

A handwritten signature in black ink, appearing to read "Richard M. Mescher", written over a horizontal line.

Richard M. Mescher, Reg. No. 38,242

Porter, Wright, Morris & Arthur
41 South High Street
Columbus, OH 43215-6194